

Appl. No. 10/768,949
Atty. Docket No. AA613
Amdt. dated December 8, 2005
Reply to Office Action of September 9, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1 - 8 are pending in the present application. No additional claims fee is believed to be due.

Claims 7 and 8 are amended to correct a typographic mistake in the original claims. Claims 7 and 8, as amended, are dependent upon Claim 6.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 102 Over Stein (U.S. Patent No. 1,475,895)

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) in light of Stein (U.S. Patent No. 1,475,895). The Applicants respectfully traverse the rejections. Stein does not teach each intermediate segment covering a side hip of the wearer when the belt is worn. When the belt in Stein is worn, the belt is positioned such that supporting tabs 14 are aligned with the wearer's front and rear so that supporting tabs 14 can support a sanitary napkin that fits between the wearer's legs and is aligned with the wearer's crotch. The hooks 12 and eyelets 11 in Stein, for controlling the circumference of the belt, would be positioned at one of the wearer's side hips when the belt is worn. U.S. Patent No. 162,647 shows a device similar to that disclosed in Stein and is illustrative of how the belt in Stein and a sanitary napkin would be arranged when the belt in Stein is worn.

For the reason set forth above, the Applicants submit that the rejection of Claim 1 under 35 U.S.C. § 102, based upon Stein, is not applicable and respectfully request that the rejection be withdrawn. Because Claim 2 depends upon Claim 1, Claim 2 is also allowable over Stein and the Applicants respectfully request that the rejection be withdrawn.

Rejection Under 35 U.S.C. § 103(a) Over Stein (U.S. Patent No. 1,475,895)

Claims 3-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stein. Claims 3-5 depend upon Claim 1. Because Claim 1 is allowable over Stein, Claims 3-5 are also allowable. The Applicants respectfully request that the rejections of Claims 3-5 be withdrawn.

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Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Stein. Claim 6 is allowable over Stein under 35 U.S.C. § 103(a) because Stein does not establish a prima facie case of obviousness. Stein does not teach or suggest all of the claim limitations of Claim 6. Stein does not teach or suggest each intermediate segment covering a side hip of the wearer when the belt is worn. When the belt in Stein is worn, the belt is positioned such that supporting tabs 14 are aligned with the wearer's front and rear so that supporting tabs 14 can support a sanitary napkin that fits between the wearer's legs and is aligned with the wearer's crotch. The hooks 12 and eyelets 11 in Stein, for controlling the circumference of the belt, would be positioned at one of the wearer's side hips when the belt is worn. U.S. Patent No. 162,647 shows a device similar to that disclosed in Stein and is illustrative of how the belt in Stein and a sanitary napkin would be arranged when the belt in Stein is worn.

For the reason set forth above, the Applicants submit that the rejection of Claim 6 under 35 U.S.C. § 103, based upon Stein, is not applicable and respectfully request that the rejection be withdrawn. Because Claims 7 and 8, as amended, depend upon Claim 6, Claims 7 and 8 are also allowable over Stein and the Applicants respectfully request that the rejections be withdrawn.

Conclusion

In light of the above remarks, the Applicants request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-8 are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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